

OK agents or informants to assume false identities, wear body wires, or engage in undercover activities. "In effect," says David Szady, special agent in charge of the FBI's Portland office, "we now have to go to a drug dealer and say, 'FBI! Would you sell us some drugs, please?'" The FBI, Szady says, has had to suspend 50 investigations, including probes of Internet child pornographers, A Russian organized-crime group, and a massive check-fraud ring.

Federal prosecutors despise the McDade law. David Margolis, a senior Justice Department official and a veteran organized-crime prosecutor, says McDade has had a major chilling effect. "Even I wouldn't go out on a limb," he says. Justice officials are trying to gut the law before Congress goes out of session this week. The department warned lawmakers in 1998 that prosecutors would be lost in a morass of quirky state ethics laws—especially during complicated multistate investigations. But defense lawyers won the day. "Why should prosecutors be exempt from rules that apply to all other lawyers in that state?" says Mark Holscher, lawyer for former Los Alamos scientist Wen Ho Lee. So far, no court has dismissed a case or excluded evidence on the basis of McDade. "These are crocodile tears," says veteran defense lawyer Irv Nathan.

Major headache. The biggest headache for prosecutors is the American Bar Association's controversial Model Rule 4.2, adopted by many states. It prohibits prosecutors from contacting people represented by lawyers without first talking to the attorneys. Remember when Kenneth Starr's prosecutors ignored Monica Lewinsky's tearful entreaties to call her lawyer? They got away with it because, since 1989, Justice had defied Rule 4.2.

No more. Prosecutors now say adhering to 4.2 has hurt white-collar probes, where securing the cooperation of informers in often vital. In an investigation of Alaska Airlines last year, company lawyers barred federal agents from questioning employees. Sen. Patrick Leahy of Vermont says, "The pendulum has swung too far in the other direction." But House Judiciary Committee Chairman Henry Hyde of Illinois says he's not inclined to repeal McDade. "That doesn't mean I'm for crooks," Hyde says. "I'm for ethical behavior both by law enforcement and by defense counsel." Watching the fight from the sidelines in Joe McDade, now 69. "I didn't read about it. I lived it," he says, of prosecutorial zealotry. "The effort is not justice. The effort is to break a citizen."

STUDENT PLEDGE AGAINST GUN VIOLENCE

Mr. LEVIN. Mr. President, on Tuesday, thousands of young people observed the Fifth Annual Day of National Concern About Young People and Gun Violence. Students across the country who participated in the day's activities were given the chance to make a strong statement renouncing the violent use of guns by signing a voluntary pledge.

In my own State of Michigan, high school senior Vince Villegas of Lansing worked to ensure that the anti-gun violence pledges were distributed to students in his own school district. Vince is the co-founder and current president of Students Against Firearm Endangerment, SAFE, USA, an organization whose mission is to reduce the number of gun casualties by increasing

gun education in America's schools. With help from students like Vince, more than one million young people have signed the Student Pledge Against Gun Violence during this year alone.

Here is what that pledge says: "I will never bring a gun to school; I will never use a gun to settle a dispute; I will use my influence with my friends to keep them from using guns to settle disputes. My individual choices and actions, when multiplied by those of young people throughout the country, will make a difference. Together, by honoring this pledge, we can reverse the violence and grow up in safety."

Vince and students like him around the country have pledged to do what they can to reduce the toll of gun violence in their lives. Now it's up to Congress to learn from our young people and pledge to combat the gun violence that plagues the Nation's schools and communities.

VICTIMS OF GUN VIOLENCE

Ms. MIKULSKI. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

October 19, 1999:
 Jerry G. Bowens, 25, Memphis, TN;
 Nathaniel Bryan, 20, Washington, DC;
 Wayne Butts, 43, Atlanta, GA;
 Arnold Handy, 19, Baltimore, MD;
 Paul Johnson, 31, New Orleans, LA;
 Russell Manning, 52, Dallas, TX;
 Rebecca Rando, 25, Houston, TX;
 Mark Smith, 31, Dallas, TX;
 Kirk Tucker, 32, Chicago, IL;
 Jermaine Wallace, 22, Baltimore, MD; and

George Williams, 19, Pittsburgh, PA.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

VOICE OF AMERICA EDITORIAL

Mr. BIDEN. Mr. President, on October 18 the Voice of America broadcast an editorial entitled "Terrorism Will Fail," strongly condemning the terrorist bomb attack on the U.S.S. *Cole* in Aden harbor, which took the lives of 17 U.S. sailors. The editorial concluded: "U.S. policy remains unchanged. The U.S. will make no concessions to terrorists. The U.S. will bring to justice those who attack its citizens and inter-

ests. The U.S. will hold state sponsors of terrorism fully accountable."

This is unambiguous language, which reflects not only United States government policy but also the feelings of all Americans. Unfortunately, however, the bureaucratic road from writing, to approval, to broadcasting this editorial was anything but unambiguous. In fact, it revealed both initial bad judgment by the State Department, and the need for better vetting procedures of VOA editorials by the appropriate authorities.

VOA editorials are statements of American policy, so they are rightly cleared by the State Department for consistency with official U.S. Government policy. Regrettably, in this case the State Department initially vetoed the editorial's language. The reason for stopping the editorial was totally unjustified. It was dead wrong to stop the editorial because of fighting and casualties that were occurring elsewhere in the Middle East. American service men and women were tragically killed in this terrorist attack and a clear statement by Voice of America condemning the action should have gone out immediately.

Subsequently, the State Department fortunately disavowed the earlier veto of the editorial memo, saying that the initial veto memorandum "in no way reflects the views of the Secretary of State, the Department or the Bureau of Near Eastern Affairs." Moreover, it stated that the initial veto memorandum had not been vetted or approved through appropriate channels.

It is inconceivable to me how anyone could advocate deleting an editorial condemning the cruel, cowardly, terrorist murder of American service men and women.

I hope and trust this occurred because of the understandable stress officials at the Department of State were under due to the tragic deaths from this dastardly act of terrorism in Yemen occurring at the same time the crises in the Middle East was also absorbing the attention of the Department.

Fortunately, as I mentioned earlier, the Voice of America did broadcast the editorial in its entirety.

AGRICULTURE APPROPRIATIONS BILL

Mr. BINGAMAN. Mr. President, I rise today to clarify my position on the vote we are about to take on the Agriculture Appropriations bill. I voted for the bill because it contains funding for a broad range of programs that are very important to farmers in New Mexico and the rest of the United States. But that said, I would like to express my opposition and disappointment at this time to the way this bill frames our national policy toward Cuba.

First, let me say that this bill is remarkable in that it represents a dramatic step forward in how the United States deals with restrictions on sales